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FILED BY *[Signature]* D.C.

05 MAY 11 AM 6:45

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

COB D.C.
2005 MAY -6 AM 8:44

ROBERT R. DI TROLO
CLERK U.S. DIST. CT.
WESTERN DISTRICT OF TENNESSEE
THE CHARTER OAK FIRE INSURANCE
COMPANY,

[Signature]
U.S. DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

Plaintiff,

vs.

Civil Action No. 03-2989-D

BROAN NUTONE LLC,

Defendant.

Joint Motion for Continuance and Withdraw of Previous Filed Motions

Comes now your Defendant Broan Nutone and Plaintiff Charter Oak and files this Joint Motion for Continuance. The parties submit to the Court that Plaintiff's expert is being deposed on experiments he has conducted which plaintiff believes are demonstrative of previous testimony and which Defendant has not yet had an opportunity to characterize. The parties respectfully after consultation request the Court for the following relief:

1. That the parties be given a brief continuance in the nature of two to three months during which plaintiff's expert can be redeposed on May 10, 2005, defendant's expert can review the new information and can add by written submission any additional opinions that are necessary.
2. Plaintiff will have the opportunity to redepose Defendant's expert if they so desire on the new written submissions.

MOTION GRANTED

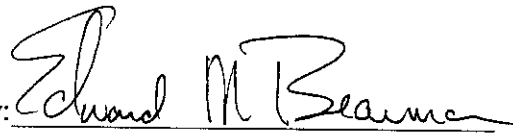
DATE: *5-11-2005*

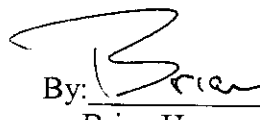
[Signature]
**BERNICE BOUIE DONALD
U.S. DISTRICT JUDGE**

3. Defendant's shall have the right to petition the Court by Motion to supplement expert disclosures if Defendant believes that it will require new experts to counter the Plaintiff's experts opinions discovered in the deposition on May 10, 2005. Plaintiff will reserve the right to oppose said motion.
4. The following motions would be withdrawn: Broan's motion for exclusion and continuance, Charter Oak's opposition, Charter Oak's motion for sanctions, and Charter Oak's withdraw of its motion for sanctions

Respectfully Submitted,

The Law Office of Edward Bearman

By: 
Edward M. Bearman (14242)
780 Ridge Lake Boulevard #202
Memphis, Tennessee 38120
(901) 682-3450

By:  Henry w/ perm. by EMB
Brian Henry
750 Main Street, suite 510
Hartford, Connecticut 06103
(860) 293-1200



Notice of Distribution

This notice confirms a copy of the document docketed as number 38 in case 2:03-CV-02989 was distributed by fax, mail, or direct printing on May 18, 2005 to the parties listed.

Edward M. Bearman
BRANSON & BEARMAN
780 Ridge Lake Blvd.
Ste. 202
Memphis, TN 38120

Charles G. Walker
WALKER LAW OFFICE
6750 Poplar
Ste. 412
Memphis, TN 38138

Brian P. Henry
TEDFORD & HENRY
750 Main St.
Ste. 510
Hartford, CT 06103

Honorable Bernice Donald
US DISTRICT COURT